



File Code: 1570-1 (251-2)
#02-01-00-0062

Date: July 1, 2002

Kester C. Romans
417 South 5th Street
Livingston, MT 59047

Dear Mr. Romans:

I have received your appeal filed under 36 CFR 251 protesting Gallatin National Forest Supervisor Rebecca Heath's May 6, 2002, decision regarding additional access to your property located in the Passage Creek drainage.

As stated in the Forest Supervisor's letter of May 23, 2002, under 36 CFR 251.86, you do not have standing to appeal the decision because you are not...

- (a) An applicant who, in response to a prospectus or written solicitation or other notice by the Forest Service, files a formal written request for a written authorization to occupy and use National Forest System land covered under 251.82 of this subpart and
 - (1) Was denied the authorization, or
 - (2) Was offered an authorization subject to terms and conditions that the applicant finds unreasonable or impracticable.
- (b) The signatory(ies) or holder(s) of a written authorization to occupy and use National Forest System land covered under 251.82 of this subpart who seeks relief from a written decision related to that authorization.

Consequently, you are not eligible to appeal the decision. Therefore, I am dismissing your appeal and returning your documents.



This decision constitutes the final administrative determination of the Department of Agriculture and is not subject to higher-level review (36 CFR 251.87).

Sincerely,

/s/ Maureen McBrien

MAUREEN MCBRIEN
Appeal Reviewing Officer
Acting Director, Recreation, Minerals, Lands,
Heritage, and Wilderness

Enclosure

cc:
Gallatin NF